

REMARKS

Reconsideration and allowance of the above-captioned patent application are respectfully requested. This application relates to selective irreversible caspase-3 inhibitors as active site probes.

Claims 1 to 21 are currently pending in the application. Claims 1, 3 to 8 and 19 stand rejected on the ground of non-statutory obviousness-type double patenting over Claims 1 to 20 of U.S. Patent No. 6,525,025 ("Han"). Claims 2 and 18 stand objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form. This indication of allowability is appreciatively acknowledged. Claims 9 to 17, 20 and 21 have been withdrawn from consideration. The Examiner acknowledged Applicants' request for rejoinder of Claims 12, 14, 15, 16, 20 and 21.

This Amendment cancels Claims 9 to 11, 13 and 17 and amends Claims 8, 20 and 21. Upon entry of this Amendment, claims in the application will be Claims 1 to 8, 12, 14 to 16 and 18 to 21.

With respect to the obviousness-type double patenting rejection, Applicants submit herewith a terminal disclaimer in compliance with 37 CFR 1.321(c) to overcome this rejection. Withdrawal of the obviousness-type double patenting rejection of Claims 1, 3 to 8 and 19 is respectfully requested.

Withdrawn Claims 9 to 11, 13 and 17 have been canceled. Claims 20 and 21 have been amended to remove the dependency to the canceled claims.

As Claims 1 to 8, 18 and 19 are now allowable, Applicants request that withdrawn claims 12, 14 to 16, 20 and 21, which depend from allowable compound claims, be rejoined pursuant to M.P.E.P. § 821.04.

Claim 8 has been amended to correct an obvious error of a minor nature.

Applicants submit that the application is in condition for allowance and passage thereto is earnestly requested. Any additional fees required in connection with this Amendment

Serial No.: 10/542,684
Case No.: MC065YP
Page 14

may be taken from Merck Deposit Account No. 13-2755. The Examiner is invited to contact the undersigned attorney at the telephone number provided below if such would advance the prosecution of the case.

Respectfully submitted,

By Raynard Yuro
Raynard Yuro
Reg. No. 45,570
Attorney for Applicants

MERCK & CO., Inc.
P.O. Box 2000
Rahway, New Jersey 07065-0907
(732) 594-0182

Date: October 5, 2007